

HB0354S01 compared with HB0354

~~deleted text~~ shows text that was in HB0354 but was deleted in HB0354S01.

Inserted text shows text that was not in HB0354 but was inserted into HB0354S01.

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Representative Kim F. Coleman proposes the following substitute bill:

BUSINESS REGULATION AMENDMENTS

2019 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Kim F. Coleman

Senate Sponsor: _____

LONG TITLE

General Description:

This bill enacts provisions related to the regulation of certain businesses and provisions related to certain commercial activity at an airport.

Highlighted Provisions:

This bill:

- ▶ defines terms;
- ▶ prohibits a public entity from regulating a peer-to-peer company or a peer-to-peer seller in the same manner as certain businesses;
- ▶ prohibits a public entity from regulating a peer-to-peer transaction in the same manner as certain business transactions;
- ▶ prohibits a city from regulating an incidental commercial activity at an airport as a commercial activity; and

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- ▶ permits a city to establish a fee for an incidental commercial activity under certain circumstances.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

ENACTS:

13-54-101, Utah Code Annotated 1953

13-54-102, Utah Code Annotated 1953

13-54-201, Utah Code Annotated 1953

72-10-701, Utah Code Annotated 1953

72-10-702, Utah Code Annotated 1953

Be it enacted by the Legislature of the state of Utah:

Section 1. Section **13-54-101** is enacted to read:

CHAPTER 54. PEER-TO-PEER PLATFORM ACT

Part 1. General Provisions

13-54-101. Title.

This chapter is known as "Peer-to-Peer Platform Act."

Section 2. Section **13-54-102** is enacted to read:

13-54-102. Definitions.

As used in this chapter:

- (1) "Peer-to-peer company" means an entity that uses a peer-to-peer platform to connect independent individuals who agree to exchange a product or service.
- (2) "Peer-to-peer platform" means an Internet-connected software service:
 - (a) that a peer-to-peer company provides; and
 - (b) through which independent individuals agree to exchange a product or service.
- (3) "Peer-to-peer seller" means an individual who uses a peer-to-peer platform to offer a product or service to another individual.
- (4) "Peer-to-peer transaction" means an exchange:

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(a) that a peer-to-peer company facilitates; and

(b) between two independent individuals whom the peer-to-peer company described in Subsection (4)(a) does not employ.

(5) "Public entity" means:

(a) the state; or

(b) a political subdivision of the state.

(6) (a) "Service" means a service that a peer-to-peer seller provides to an individual.

(b) "Service" does not include a peer-to-peer platform or a peer-to-peer transaction.

Section 3. Section **13-54-201** is enacted to read:

Part 2. Regulation

13-54-201. Prohibition of regulation.

(1) Except as specifically authorized in statute, a public entity may not regulate:

(a) a peer-to-peer company or a peer-to-peer seller in the same or substantially similar manner as a business that offers the same product or service to the public; or

(b) a peer-to-peer transaction in the same or substantially similar manner as a transaction that a business offering the same product or service to the public facilitates.

(2) A public entity may regulate a peer-to-peer company in a manner prohibited under Subsection (1)(a), if the peer-to-peer company manufactures, owns, or distributes the product, or provides the service, for which the peer-to-peer company facilitates a peer-to-peer transaction.

(3) Any tax owed as part of a peer-to-peer transaction is the obligation of the independent individuals who agreed to exchange the product or service and not the peer-to-peer company.

Section 4. Section **72-10-701** is enacted to read:

Part 7. Airport Commercial Activities

72-10-701. Definitions.

As used in this part:

(1) (a) "City" means a municipality of the first class, as defined under Section 10-2-301, that:

(i) is authorized by statute to operate an airport; and

(ii) operates an airport with more than 10 million annual passengers.

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(b) "City" includes a city's enterprise fund.

(2) "Incidental commercial activity" means a commercial activity that:

(a) (i) occurs inside an airport building; and

(ii) (A) is exclusively conducted with a person off the airport property using electronic means; or

(B) between two or more individuals, each of whom is in the course of patronizing the airport for travel purposes; or

(b) (i) occurs outside an airport building on airport property; ~~† and~~

~~(ii) is exclusively comprised of:~~

~~(A) dropping off or picking up an individual; or~~

~~(B) transferring†~~

(ii) is part of a peer-to-peer transaction;

(iii) is not a prearranged ride as defined in Section 13-51-102; and

(iv) is comprised of the transferring of a vehicle to another individual.

(3) "Peer-to-peer company" means the same as that term is defined in Section 13-54-102.

Section 5. Section **72-10-702** is enacted to read:

72-10-702. Regulation of commercial activity at an airport.

(1) A city shall regulate an incidental commercial activity as if the activity is not commercial in nature.

(2) Notwithstanding Subsection (1), a city may establish a per-transaction fee for an incidental commercial activity if the fee is:

(a) based on the actual impact of the activity on airport property; and

(b) uniformly applied to all persons who make the same or similar impact on airport property, regardless of whether the person makes the impact in connection with an incidental commercial activity.